



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of  
Lyle Larson for Congress, *et al.*

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MUR 6070

**STATEMENT OF REASONS OF VICE CHAIRMAN MATTHEW S. PETERSEN  
AND COMMISSIONERS CAROLINE C. HUNTER AND DONALD F. McGAHN**

We agreed with the Office of General Counsel's recommendation to exercise our prosecutorial discretion to dismiss this matter.<sup>1</sup> The Respondent substantially complied with the disclaimer requirements imposed by the Federal Election Campaign Act, as amended ("the Act") and Commission regulations, for television advertisements paid for and approved by a candidate committee. Moreover, the Respondent took corrective action within 24 hours of discovering its misstep—a quick turnaround for a television advertisement airing in the midst of a general election campaign.

It also appears the Respondent contacted Commission staff in an attempt to clarify the written disclaimer requirement prior to airing the advertisement, and then called again after questions were raised regarding its disclaimers. While there is no way to confirm the substance of the conversation, there is a record that Respondent contacted the Commission in an attempt to comply with the disclaimer requirements.

In situations such as this, where there is some documentation or evidence that a Respondent relied on Commission staff advice in an attempt to comply with the law, we find such evidence both probative and significant. After all, the Act itself states that a central goal of the Commission is "to encourage voluntary compliance" with the law.<sup>2</sup> Thus, for these and our previously stated reasons, we agreed with the recommendation of the Office of General Counsel and voted to dismiss the matter.

<sup>1</sup> Certification dated May 28, 2009.

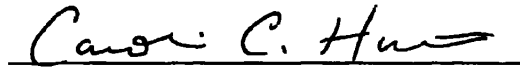
<sup>2</sup> 2 U.S.C. § 437d(a)(9).

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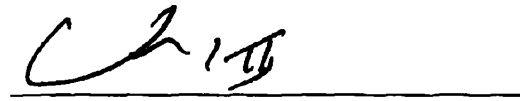
6/11/2009  
Date

  
MATTHEW S. PETERSEN  
Vice Chairman

6/11/2009  
Date

  
CAROLINE C. HUNTER  
Commissioner

6/11/09  
Date

  
DONALD F. MCGAHN II  
Commissioner

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